

UNITED STATES DISTRICT COURT

FOR THE

District of

PUERTO RICO

UNITED STATES OF AMERICA
V.**JUDGMENT IN A CRIMINAL CASE**

(For Revocation of Probation or Supervised Release)

RICHARD LOPEZ-RODRIGUEZ

Case Number: CR. 99-239-4 (JAF)

Case Number: CR. 99-369-1 (JAF)

USM Number:

CORAL RODRIGUEZ, ESQ.

Defendant's Attorney

THE DEFENDANT: admitted guilt to violation of some condition(s) of Supervised Release. was found in violation of all the conditions of Supervised Release after denial of guilt of some conditions.

The defendant is adjudicated guilty of these violations:

| <u>Violation Number</u> | <u>Nature of Violation</u> | <u>Violation Ended</u> |
|-------------------------|---|------------------------|
| Special condition | Failure to refrain from the use of controlled substances. | 06/26/2008 |
| Standard Condition 2 | Failure to submit written reports the first 5 days of each month | June 2008 |
| Standard Condition 4 | Failure to provide child support | |
| Standard Condition 5 | Failure to provide evidence of a stable employment | |
| Standard Condition 6 | Failure to notify probation officer of change of residence, employment. | |

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: XXX-XX-XXXX

AUGUST 13, 2008

Date of Original Judgment

Defendant's Date of Birth: _____

S/ JOSE A. FUSTE

Signature of Judge

Defendant's Residence Address:

JOSE A. FUSTE, CHIEF, U.S. DISTRICT JUDGE

Name and Title of Judge

Defendant's Mailing Address:

-----SAME AS ABOVE-----

AUGUST 13, 2008

Date

DEFENDANT: RICHARD LOPEZ-RODRIGUEZ
CASE NUMBER: CR. 99-239 (JAF) and Cr. 99-369 (JAF)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: NINE (9) MONTHS IN BOTH CASES. BOTH SENTENCES TO BE SERVED CONCURRENTLY TO EACH OTHER.

The court makes the following recommendations to the Bureau of Prisons:

X The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

- at _____ a.m. p.m. on _____.
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- before 2 p.m. on _____.
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: RICHARD LOPEZ-RODRIGUEZ

CASE NUMBER: CR. 99-239 (JAF) and Cr. 99-369 (JAF)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: Two (2) years in both cases.
Both terms to be served concurrently with each other.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: RICHARD LOPEZ-RODRIGUEZ
CASE NUMBER: CR. 99-239 (JAF) and Cr. 99-369 (JAF)

ADDITIONAL SUPERVISED RELEASE TERMS

1. The releasee will not commit another federal, state or local crime and shall not possess firearms or controlled substances and comply with the standard conditions of supervised release adopted by this court.
2. The releasee shall participate in a drug treatment program (in-patient or out-patient) and submit to random urinalysis, not to exceed 104 samples per year in accordance with the Drug Aftercare Program Policy of the U.S. Probation Office approved by this Court. If any such samples detect substance abuse, the defendant shall participate in a drug treatment program (in-patient), or out-patient) in accordance with such policy. The defendant is required to contribute to the cost of services rendered (co-payment) based on the ability to pay or availability of third party payments, as approved to the Court.
3. The releasee shall report to the Commonwealth of Puerto Rico Department of Family (ASUME Division) within thirty (30) days upon his release from prison and establish a child support payment plan for all his dependants. He shall also provide the U.S. Probation Officer with evidence of his payments.
4. The releasee shall submit his person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other resident that the premises may be subject to searches pursuant to this condition.